

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOHN M. PIERCE, §
§
Interpleader Plaintiff/Stakeholder, §
§
vs. § Civil Action No. 3:21-cv-02770-S-BH
§
MILOS FUND LLC, FIGHTBACK §
FOUNDATION, INC. ABC LLCs 1-10, §
XYZ CORPS. 1-10, §
§
Interpleader Defendants/Claimants. §

**FIGHTBACK FOUNDATION, INC.'S ANSWER TO PLAINTIFF'S STATUTORY
INTERPLEADER COMPLAINT UNDER 28 U.S.C. § 1335**

Pursuant to the Federal Rules of Civil Procedure, including Rules 8 and 12, Defendant Fightback Foundation, Inc. (“Fightback”) provides this Answer to Plaintiff’s Statutory Interpleader Complaint Under 28 U.S.C. § 1335 (Doc 3 and hereafter “Complaint”). Fightback reserves the right to amend or supplement this Answer in accordance with the Federal Rules of Civil Procedure and any Order of the Court. This Answer’s numbered paragraphs correspond with the paragraph numbers in Plaintiff’s Complaint.

Parties

1. Fightback admits this paragraph’s allegations.
2. Fightback lacks sufficient information to form a belief about the truth of this paragraph’s allegations.
3. Fightback admits this paragraph’s allegations.

Jurisdiction and Venue

4. Fightback admits that this paragraph sets forth the text of 28 U.S.C. § 1335(a)(1).

5. Fightback admits this paragraph's first sentence. Fightback lacks sufficient information to form a belief about the truth of this paragraph's remaining allegations.

6. Fightback lacks sufficient information to form a belief about the truth of this paragraph's allegations which follow the “—”. Fightback otherwise admits this paragraph's allegations.

7. Fightback admits the second sentence of this paragraph. Fightback denies that any person or entity other than Fightback has a claim to the Remittance Receipt or underlying funds.

8. Fightback admits the first and second sentences of this paragraph. Fightback otherwise lacks sufficient information to form a belief about the truth of this paragraph's allegations.

9. Fightback admits that diversity exists under 28 U.S.C. § 1335 but denies that any other person or entity has a claim to the subject property or funds.

10. Fightback admits this paragraph's allegations.

11. Fightback admits this paragraph's allegations.

12. Fightback admits this paragraph's allegations.

13. Fightback admits that Pierce tendered the Bailed Funds to Kenosha Joint Services and was issued a receipt therefrom. Fightback denies that Pierce was acting in his personal capacity in doing so and further denies that Pierce has any personal claim to the Bailed Funds. Fightback lacks sufficient information to form a belief about the truth of this paragraph's remaining allegations.

14. Fightback lacks sufficient information to form a belief about the truth of this paragraph's allegations.

15. Fightback denies that any other person or entity has a right to the Remittance Receipt or Bailed Funds. Fightback otherwise lacks sufficient information to form a belief about the truth of this paragraph's allegations.

16. Fightback admits this paragraph's allegations.

17. Fightback admits this paragraph's allegations.

18. Fightback lacks sufficient information to form a belief about the truth of this paragraph's allegations.

19. Fightback lacks sufficient information to form a belief about the truth of this paragraph's allegations.

20. Fightback admits that the Complaint seeks the relief stated.

COUNT 1

21. Fightback repeats and realleges the foregoing responses in this Answer.

22. Fightback admits this paragraph's allegations but denies that Pierce has any personal rights to the Bailed Funds.

23. Fightback admits this paragraph's allegations.

24. Fightback admits this paragraph's allegations.

25. Fightback lacks sufficient information to form a belief about the truth of this paragraph's allegations but denies that any other person or entity has any rights to the Bailed Funds.

26. Fightback lacks sufficient information to form a belief about the truth of this paragraph's allegations.

27. Fightback lacks sufficient information to form a belief about the truth of this paragraph's allegations.

28. Fightback admits that Pierce has filed the Complaint and seeks relief pursuant to 28 U.S.C. § 1335. Fightback lacks sufficient information to form a belief about the truth of this paragraph's remaining allegations.

Prayer for Relief

29. Fightback admits that Pierce seeks the relief stated in his "Prayer for Relief". Fightback denies that any other person or entity is entitled to the Remittance Receipt or Bailed Funds. Fightback lacks sufficient information to form a belief about the truth of this paragraph's allegations.

Fightback Prayer

For the foregoing reasons, the Fightback requests that it be awarded a judgment against the Plaintiff for the following:

- a. A finding that Fightback alone has the right to the Bailed Funds and Remittance Receipt;
- b. Ordering that all other parties to this matter take nothing;
- c. Awarding Court costs; and
- d. All other relief to which Fightback is entitled.

Respectfully Submitted,

/s/ R. Ritch Roberts, III

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**COUNSEL FOR FIGHTBACK
FONDATION, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January 2022, a true and correct copy of the above and foregoing document was filed electronically with the Clerk of the U.S. District Court for the Northern District of Texas to be served upon all counsel of record by the Court's electronic filing system.

/s/ R. Ritch Roberts, III
R. RITCH ROBERTS, III